IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO.325 OF 2005

Radheshyam R. Yadav. .. .. Petitioner
v/s.
Mumbai Municipal Corpn. & anr. .. Respondents

Mr.Vijay Kantharia i/by Mr.S.D. Bhosale for petitioner.

Ms.P.A.Purandare for res.No.1.

Mr.Jadhav, AGP for respondent No.2.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 3RD FEBRUARY 2005

P.C. :

1. Heard Mr.Kantharia for the petitioner. Ms.Purandare appears for respondent No.1 and Mr.Jadhav, AGP appears for respondent No.2.

2. The petitioner is apprehending demolition of his structure. He claims to have record of his residences at Laxmi Nagar Zopadpatti, Goregaon (West), Mumbai, prior to 1st January 1995. Since the disputed questions of facts are involved, it will be proper that he should file a suit.

3. Mr.Kantharia seeks to withdraw the petition with liberty to file a suit. Presently, no action of demolition is contemplated as stated by Mr.Jadhav, learned AGP. The respondents will not proceed with any action of demolition against the structure of the petitioner for a period of two weeks hereafter.

4. Petition is allowed to be withdrawn with liberty.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)